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COMMISSION ON HUMAN RIGHTS

Forty-eighth session

SUMMARY RECORD OF THE 52nd MEETING
(SECOND PART*)

Held at the Palais des Nations, Geneva,
on Tuesday, 3 March 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

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* The summary record of the first part of the meeting appears as document E/CN.4/1992/SR.52.

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The meeting was resumed at 7 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT (agenda item 12) (continued) (E/CN.4/1992/L.24, L.25/Rev.1, L.27, L.44, L.46, L.49, L.59, L.62, L.66-70, L.76 and L.77)

Draft resolution on the situation of human rights in the Islamic Republic of Iran (E/CN.4/1992/L.24)

1. Mr. PEREIRA GOMES (Portugal), introducing the draft resolution on behalf of the sponsors, which had been joined by Costa Rica, Iceland, Liechtenstein and Switzerland, and speaking also as the representative of the presidency of the European Community and its Member States, recalled that in 1984 the Commission had appointed a Special Representative to establish contact with the Government of the Islamic Republic of Iran and to make a thorough study of the human rights situation in that country. In the early years, the Special Representative had not been allowed to visit Iran, but in 1989 the Government had stepped up its cooperation with the Commission and the Special Representative had since paid three visits to the country.

2. In view of the Special Representative's recent report, the sponsors of the draft resolution were still deeply concerned at the reported violations of human rights there. They had noted the increase in the already high number of executions and were further concerned at the lack of guarantee of due process of law, discriminatory treatment of minority groups such as the Baha'is, the lack of independent associations and persistent reports about torture of detainees.

3. In resolution 1991/9, the Sub-Commission had expressed its deep concern at the escalating grave violations of human rights in the Islamic Republic of Iran, while in resolution 1991/82, the Commission had decided to extend the Special Representative's mandate for a further year but had contemplated that it might be discontinued if the Islamic Republic made further progress in implementing his recommendations. After scrutinizing developments and assessing the Government's performance, the Special Representative concluded in chapter IV of his recent report that, in many instances, Iran had failed to follow up his recommendations adequately, and he had expressed the view that the international monitoring of the situation should be continued. The sponsors of the draft resolution endorsed that view and proposed that the Special Representative's mandate should be extended for a further year.

4. The draft resolution was moderate in tone. It noted and welcomed Iran's cooperation with the Special Representative and the International Committee of the Red Cross. Many paragraphs were taken from consensus resolutions of the General Assembly and the Commission, while others were based on the Special Representative's latest report. The draft resolution was designed to encourage the Islamic Republic of Iran to continue to cooperate with ICRC and

the Special Representative, and the sponsors hoped that it would do so, as most other States were doing. The fifth preambular paragraph referred to the Agreement with ICRC, which had been signed but not entirely put into effect. Operative paragraph 9 was therefore of particular importance. The sponsors had just received some suggestions from the delegation of Iran which they had not had an opportunity to consider. They would therefore be grateful if consideration of the draft resolution could be deferred for a short time.

5. The CHAIRMAN said that, if there was no objection, he would take it that the Commission decided to defer its decision on the draft resolution (E/CN.4/1992/L.24) until the next meeting.

6. It was so decided.

Draft resolution on the situation of human rights in Myanmar (E/CN.4/1992/L.25/Rev.1)

7. Mr. HESSEL (France), introducing the draft resolution on behalf of the sponsors, said that the Commission had not had an opportunity to discuss the situation in Myanmar at its current session. Following the discussions at the forty-seventh session, the sponsors had hoped that, with the assistance of experts from the Centre for Human Rights, the Government of Myanmar would have embarked on the road to true democracy and respect for human rights, that the democratically elected leaders would be freed and that Myanmar's democratic and parliamentary traditions would be restored. Those hopes had not been realized, however, and the sponsors had been obliged to set out in more forceful terms than in earlier resolutions the conditions in which the dialogue with the Myanmar authorities could and should be resumed.

8. The words "and deprived of visits by her family" should be added at the end of the fourth preambular paragraph, after the words "is still under house arrest,". SLORC's refusal to allow the husband of Daw Aung San Suu Kyi to visit the Nobel Peace Prize laureate was entirely unacceptable. He hoped that there would be no objection to the addition of the words he had indicated and that the draft resolution, as amended, could be adopted by consensus.

9. Mr. MAUTNER-MARKHOF (Secretary of the Commission), explaining the financial implications of the draft resolution, said that the estimated costs were US$ 138,800 for 1992 and US$ 43,400 for 1993. They were based on previous expenditure patterns and were submitted to the Commission for information purposes under rule 28 of the rules of procedure. The determination as to whether the mandate fell within the provisions already made for perennial activities for the biennium 1992-1993 was subject to confirmation by the Office of Programme Planning, Budget and Finance in New York.

10. The CHAIRMAN said that the figure of 70,000 shown in the sixth preambular paragraph of the draft resolution should be replaced by 80,000.

11. Mr. TIN KYAW HLAING (Observer for Myanmar) said that, with the exception of the paragraphs relating to the principles enshrined in the Charter of the United Nations and in the Universal Declaration of Human Rights, the draft resolution was totally unacceptable to his delegation. It was unbalanced,

negative and highly intrusive and contained provisions based on unsubstantiated and politically-motivated allegations largely made by anti-government and anti-people elements. It was unjust, one-sided and strident and failed to reflect such positive aspects as his Government's close cooperation with the Commission. The draft resolution totally ignored the recommendations of the Working Group on Situations. The reasons for his position had been explained in his statement on 18 February. His delegation had not taken part in the adoption of General Assembly resolution 46/132, referred to in the eighth preambular paragraph of the draft resolution under consideration and was not a party to it.

12. The Myanmar and Bangladesh Governments were endeavouring to solve the question of the situation in the border area between Myanmar and Bangladesh, referred to in the sixth preambular paragraph and operative paragraph 8, in a spirit of friendship and understanding. They had held discussions on cross-border immigration through bilateral diplomatic channels and border command officials of the respective countries. The Bangladesh side had given an initial official figure of little over 4,000 persons. It was a matter for the two States concerned to find ways and means of resolving the issues in a spirit of good neighbourliness. The extraneous element that had found its way into the draft resolution was most regrettable.

13. His Government had welcomed the visits of two independent experts appointed by Chairmen of the Commission and had cooperated with the Commission as far as possible. It was most regrettable that not a word about that cooperation had been included in the draft resolution. As indicated in his statement on 18 February, the State Law and Order Restoration Council, in Declaration No. 1/90 of 27 July 1990, had set forth a comprehensive programme on the political and constitutional process for establishing a multi-party democratic State. Certain individuals had been placed under restraint for having infringed the laws of the land, and not for their political activities. Such action had been taken in the greater interest of the State and solely in order to uphold the rule of law and preserve public order.

14. The draft resolution was a blatant attempt to interfere in Myanmar's internal affairs and to dictate to the Government in matters falling within his country's domestic jurisdiction under the terms of the Charter of the United Nations. It was obviously being railroaded through the Commission. His delegation's position, which he had made abundantly clear on 18 February, was that any decision to bring the situation in Myanmar to public consideration or to appoint a special rapporteur would be completely unacceptable. His delegation dissociated itself from any such decision.

15. Mr. SEZAKI (Japan) recalled that the representative of Myanmar had recently reiterated Myanmar's commitment to continued cooperation with the Commission, so long as the consideration of the situation in Myanmar was maintained under the 1503 procedure. He was appreciative of the Government's cooperation with the Centre for Human Rights and the Commission and in particular with the two independent experts who had visited the country during the past two years. However, in view of its limited cooperation with the Commission and the almost negligible improvement in the human rights situation, the motion to suspend consideration under the 1503 procedure and deal with the situation in open discussion had been adopted unanimously and

without a vote. In the circumstances, there was no option but to urge the Government of Myanmar to respond favourably to the requests made in draft resolution E/CN.4/1992/L.25/Rev.1.

16. In order to demonstrate its solidarity with the wish of the international community for a substantial improvement in the human rights situation in Myanmar, his delegation had decided to support the draft resolution, in the hope that the Government of Myanmar would continue to cooperate with the Centre for Human Rights.

17. The draft resolution (E/CN.4/1992/L.25/Rev.1) was adopted without a vote.

Draft resolution on cooperation with representatives of United Nations human rights bodies (E/CN.4/1992/L.44)

18. Ms. HEVESI (Hungary) introduced the draft resolution on behalf of the co-sponsors. The Commission was invited to reiterate its concern at the continued reports of intimidation and reprisal against private individuals and groups seeking to cooperate with the United Nations and representatives of its human rights bodies; to make a renewed appeal to States to refrain from all acts of intimidation or reprisal against those individuals or groups; to request all representatives of United Nations human rights bodies to continue to take steps to help prevent the hampering of access to those bodies and to help prevent the occurrence of such intimidation and reprisals; and to invite the Secretary-General to submit a report to the Commission at its forty-ninth session containing any available information on alleged reprisals as well as on action taken by the representatives of United Nations human rights bodies.

19. Similar resolutions had been adopted by consensus in past years and she hoped that the present draft would meet with the same reception from the Commission.

20. The draft resolution (E/CN.4/1992/L.44) was adopted without a vote.

Draft resolution on the situation of human rights in occupied Kuwait (E/CN.4/1992/L.46)

21. Mr. AL-SABAH (Observer for Kuwait) introduced the draft resolution on behalf of the 22 co-sponsors. The text differed somewhat from resolution 1991/67, adopted by the Commission at its forty-seventh session but reproduced certain of its paragraphs; it also drew on General Assembly resolution 46/135 of 17 December 1991 and some of the recommendations in the preliminary report of the Special Rapporteur.

22. The draft resolution was based on the belief that one of the most abominable types of violation of human rights was the manipulation of human lives in order to obtain political and economic advantage, an abomination that was being consciously committed by the Government of Iraq, which continued to detain prisoners of war and civilian Kuwaiti and third-country nationals and to refuse to account for their whereabouts. The Commission was called upon, as a strictly humanitarian act, to condemn the failure of Iraq to treat all prisoners of war and detained civilians in accordance with the internationally recognized principles of humanitarian law and to insist that Iraq refrain from

subjecting them to acts of violence, including ill-treatment, torture and summary execution; to request the Government of Iraq to provide full information on all persons arrested in Kuwait who had died during or after the period of occupation while in detention, as well as the location of their graves; and to demand that the Government of Iraq cooperate with and facilitate the work of international humanitarian organizations, notably the International Committee of the Red Cross, in facilitating the return of the detained persons to their homes. The sponsors hoped the draft resolution would be adopted by consensus.

23. Mr. AL-DOURI (Iraq) said that the competent Iraqi authorities, in full compliance with the relevant Security Council resolution, had been cooperating with the International Committee of the Red Cross, and had returned more than 6,000 Kuwaitis and other nationals to Kuwait. There were currently 3,594 Kuwaiti citizens in Iraq; they had been registered with ICRC in Baghdad while waiting to return home. The Kuwaiti authorities had, however, agreed to the repatriation of only 468 among them; the remainder enjoyed full freedom of movement in Iraq.

24. On 15 September 1991, the Kuwaiti authorities had handed to ICRC a list of 2,242 names of persons claimed to be in Iraq. But 233 of those names were of persons who had indeed returned to Kuwait already; 59 were of Kuwaiti citizens who were known to be in Iraq and were awaiting the permission of the Kuwaiti authorities to return home. The remaining names were of persons whose whereabouts was unknown to the Iraqi authorities: some were, however, believed to have been killed during the attacks on Iraq.

25. On 16-17 October 1991, an Iraqi delegation had met representatives of the coalition countries in Geneva under ICRC auspices. A record drawn up at the end of the meeting demonstrated Iraq's agreement to a certain number of measures and recorded its request to benefit from the same treatment by ICRC as far as its own missing nationals were concerned. That request for reciprocity, which was in full accordance with the 1949 Geneva Conventions and concerned the formulation of an overall plan to govern the search for all missing persons, whether in Kuwait, Saudi Arabia or Iraq, had been unjustifiably refused.

26. On 20 February 1992, a memorandum had been addressed to ICRC in Baghdad, stating that Iraq would publish the names of missing Kuwaiti, Saudi and other nationals as requested. The Government of Iraq also declared itself ready to organize and facilitate visits by the representatives of ICRC to places of detention in their search for missing persons. Contrary, therefore, to what was alleged in the draft resolution, Iraq was clearly honouring its international commitments. The same could not be said of Kuwait and the other allied countries.

27. Certain countries were exploiting the issue as part of their campaign of propaganda against Iraq by feeding misleading information to the Arab countries and to the world at large. It was not true, he insisted, that Iraq was holding large numbers of Kuwaiti nationals and preventing them from returning home. The principal aim of the text before the Commission was

perpetuation of the economic blockade against Iraq. The rules of international humanitarian law could not be applied selectively. They must be applied to all the parties involved in an armed conflict.

28. Mr. AL-SABAH (Observer for Kuwait) submitted that the "reciprocity" to which the representative of Iraq had referred was nowhere mentioned in the 1949 Geneva Conventions. Moreover, Kuwait and the other coalition countries were scrupulously observing all the provisions of those instruments; their collaboration with ICRC had been acknowledged as exemplary.

29. The CHAIRMAN reminded speakers that the debate on item 12 had been concluded.

30. Mr. AL-DOURI (Iraq) reiterated that all States, without exception, were bound to respect the Geneva Conventions. Given the attitude manifested by the observer for Kuwait on the matter of reciprocity, he would propose some amendments to the draft resolution. In operative paragraph 6, the words "the Government of Iraq" should be replaced by "the Governments of Iraq, Kuwait and Saudi Arabia"; in operative paragraph 7, the words "the Government of Iraq" should be replaced by the words "the Governments of Iraq, Kuwait and Saudi Arabia", and the final phrase should read "... search for an eventual repatriation of Kuwaiti, Iraqi and other third-country nationals detained and missing in Iraq, Kuwait and Saudi Arabia".

31. The CHAIRMAN noted that the representative of the United States of America had requested a vote on the proposed amendment.

32. At the request of the representative of Iraq, a vote was taken by roll-call on the proposed amendment.

33. Kenya, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Iraq.

Against: Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Canada, Czech and Slovak Federal Republic, France, Gambia, Germany, Hungary, India, Indonesia, Italy, Japan, Kenya, Netherlands, Pakistan, Philippines, Portugal, Russian Federation, Senegal, Somalia, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Angola, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, Ghana, Islamic Republic of Iran, Lesotho, Madagascar, Mexico, Nigeria, Peru, Sri Lanka, Venezuela, Yugoslavia, Zambia.

34. The amendment proposed by Iraq was rejected by 28 votes to one, with 20 abstentions.

35. At the request of the representative of Iraq, a vote was taken by roll-call on the draft resolution (E/CN.4/1992/L.46).

36. The Czech and Slovak Federal Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Argentina, Australia, Austria, Bangladesh, Brazil, Bulgaria, Burundi, Canada, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Czech and Slovak Federal Republic, France, Gambia, Germany, Ghana, Hungary, India, Indonesia, Islamic Republic of Iran, Italy, Japan, Kenya, Lesotho, Madagascar, Mexico, Netherlands, Nigeria, Pakistan, Peru, Philippines, Portugal, Russian Federation, Senegal, Somalia, Sri Lanka, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yugoslavia, Zambia.

Against: Iraq.

Abstaining: Gabon.

37. The draft resolution (E/CN.4/1992/L.46) was adopted by 47 votes to one, with one abstention.

Draft resolution on the situation of human rights in Cuba (E/CN.4/1992/L.59)

38. Mr. REICH (United States of America), introducing the draft resolution on behalf of the co-sponsors, said that it followed earlier actions by the Commission which had, on 6 March 1991, requested the appointment of a special representative to maintain direct contact with the Government and citizens of Cuba and to report on human rights conditions in that nation. Unfortunately, the Special Representative had not received any cooperation from the Government of Cuba but had none the less issued an illustrative, though comprehensive, report.

39. The draft resolution now before the Commission followed up on that work, and requested that a Special Rapporteur be designated to review the human rights situation in Cuba and to report to the Commission on the results of his endeavours at its forty-ninth session, and to submit an interim report to the General Assembly at its forty-seventh session.

40. Members of the United Nations, and members of the Commission on Human Rights in particular, had an obligation to respect the Universal Declaration of Human Rights and to accept the commitments that stemmed from the privilege of membership. What was requested was a simple action - namely continued scrutiny of the human rights situation in Cuba. Such scrutiny was a crucial step, not only for maintaining the credibility of the Commission of Human Rights but - more importantly - for improving the human rights conditions in Cuba. The sponsors asked members to speak out and vote yes for those in Cuba who had been denied the right to speak.

41. Mr. MAUTNER-MARKHOF (Secretary of the Commission) said that Austria, Canada, Honduras, Iceland, Kuwait, Lithuania and Nicaragua had asked to join the list of sponsors of the draft resolution (E/CN.4/1992/L.59).

42. As to the financial implications, the estimated costs were US$ 84,200 for 1992, and US$ 14,900 for 1993. The estimates were based on previous expenditure patterns and were submitted to the Commission for information purposes under rule 28 of its rules of procedure. Provisions for 1992 and 1993 were included in the programme budget for the biennium.

43. Mr. ROA KOURI (Cuba) said that the position of hegemony obtained by the United States of America as the only surviving super-Power, together with the notorious pressures it had exerted, had led to the adoption the previous year of an arbitrary and discriminatory resolution directed against Cuba. Similar or even more crude threats and pressures were now being applied in order to secure the vote of members of the Commission for another draft resolution along the same lines. Neither the United States Government nor the other sponsors of the draft resolution had any political or moral authority whatsoever to judge the Cuban revolution. Both the past and the present showed that the United States was an inveterate violator of the rights of its own people and of many other peoples, whom it had invaded, despoiled, massacred and exploited, yet not one single voice had been raised among those who now co-sponsored the draft.

44. The Commission had previously appointed special rapporteurs only in situations which revealed a pattern of gross violations of human rights. It had overlooked the murders of children and the destitute in some countries, had passed over in silence the amnesties granted to those responsible for torture and disappearances, and had never expressed its concern at the fate of the Indians, blacks, Hispanics and other underprivileged groups in the United States, or at the fate of immigrants targeted by neo-Nazism in Germany or by rampant racism in the United Kingdom. It now had before it a draft resolution proposing the appointment of a special rapporteur for Cuba, which had cooperated with the Commission and was one of the few countries where the dignity of the human person was truly respected, and where programmes such as "Health for All in the Year 2000", which were still impossible dreams for most countries of the South, had been turned into a reality many years ago, a country whose achievements in the fields of education, equal rights and civic solidarity had yet to be matched by many of the countries represented in the present forum.

45. Such dual standards and hypocrisy must be opposed by all those unwilling to allow the Commission and the United Nations system to be turned once again into a docile instrument of those who held political, military and economic power, however short the period of United States hegemony throughout the world. Cuba categorically rejected the draft resolution, along with any other attempt to accord it abusive or discriminatory treatment inconsistent with the Commission's past practice. Regardless of the pressures exerted, Cuba would not meet a single one of the demands contained in the United States draft resolution and it would not bow before insolent imperialism. It would maintain its acknowledged cooperation with the Secretary-General, the Centre for Human Rights and other mechanisms established by the Commission, in keeping with its obligations as a member of the United Nations and as a party to various international human rights agreements and instruments; but it would not comply with demands imposed by the United States in pursuit of its wretched political vendetta against Cuba. Reason and right were on Cuba's side. His delegation would, of course, be voting against the draft resolution contained in document E/CN.4/1992/L.59.

46. Mr. CHABALA (Zambia) said that the draft resolution addressed serious allegations of human rights violations in Cuba contained in the Secretary-General's report, which, as the draft acknowledged, was incomplete. Those allegations had not yet been reliably attested and the fact that they were unanswered and uncontested did not necessarily validate them. The new Zambian Government was at present seriously addressing all the issues raised in the draft resolution. In the circumstances, his delegation was compelled to abstain in the vote on the draft resolution contained in document E/CN.4/1992/L.59.

47. At the request of the representative of Cuba, a vote was taken by roll-call on the draft resolution (E/CN.4/1992/L.59).

48. India, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Austria, Bangladesh, Bulgaria, Canada, Chile, Costa Rica, Czech and Slovak Federal Republic, France, Gambia, Germany, Hungary, Italy, Japan, Netherlands, Portugal, Russian Federation, Senegal, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Angola, China, Cuba, Ghana, Iraq, Islamic Republic of Iran, Libyan Arab Jamahiriya, Syrian Arab Republic.

Abstaining: Brazil, Burundi, Colombia, Cyprus, Gabon, India, Indonesia, Kenya, Lesotho, Madagascar, Mauritania, Mexico, Nigeria, Pakistan, Peru, Philippines, Somalia, Sri Lanka, Venezuela, Yugoslavia, Zambia.

49. The draft resolution (E/CN.4/1992/L.59) was adopted by 23 votes to 8, with 21 abstentions.

Draft resolution on the situation of human rights in El Salvador (E/CN.4/1992/L.66)

50. Mr. NOVILLO (Argentina) said that his delegation was introducing the draft resolution on the situation of human rights in El Salvador on behalf of the sponsors and in its capacity as coordinator of the Rio Group. The draft resolution reflected real hopes for an improvement in the human rights situation in a country whose society had been divided for many years. It welcomed the spirit of peace and reconciliation established in the Peace Agreements signed in Mexico City on 16 January 1992. It acknowledged the value of the good offices provided by Mr. Javier Pérez de Cuéllar, former Secretary-General of the United Nations, and his Personal Representative for Central America in the negotiating process which had begun in 1990 and had culminated in the Peace Agreements. It also acknowledged the resolute backing provided by the friends of the Secretary-General, Colombia, Mexico, Spain and Venezuela, in the search for peace in El Salvador. The report by the Special Representative had made an inestimable contribution to the preparation of the draft resolution. Much remained to be done before the objectives of the Peace Agreements were attained, but the efforts being made by the

Secretary-General through the United Nations Observer Mission in El Salvador, whose mandate was to monitor compliance with all the agreements reached by the parties during the negotiating process, were wholeheartedly endorsed. The Truth Commission, the National Commission for the Consolidation of Peace, the Ad Hoc Commission and the important post of Attorney-General for the Protection of Human Rights constituted appropriate complementary machinery for supervising implementation of the Peace Agreements and promoting respect for human rights. Those Agreements were of supreme importance to the region, and the Commission had a duty to record its confidence in all those whose responsibility it was to bring about reconciliation in Salvadorian society.

51. There were some errors. In paragraph 1, the words "in 1991" should be inserted after "El Salvador", and in paragraph 11, the word "Rapporteur" should be replaced by "Representative". In the Spanish version of the first and third preambular paragraphs and paragraph 3, the words "Frente Farabundo Martí de Liberación Nacional" should read "Frente Farabundo Martí para la Liberación Nacional". In paragraph 2, the words immediately following "Acta" should be amended to read "de Nueva York, suscrita el 31 de diciembre de 1991 ...". Lastly, in paragraph 13, the last phrase should read "lo hará en el tema 12.". He hoped that the draft resolution would be adopted by consensus.

52. Mr. MAUTNER-MARKHOF (Secretary of the Commission) said that Switzerland and Italy had joined the list of sponsors of the draft resolution.

53. As to the financial implications, the estimated costs were US$ 85,200 for 1992, and US$ 14,200 for 1993. The estimates were based on previous expenditure patterns and were submitted to the Commission for information purposes under rule 28 of its rules of procedure. Provision for 1992 and for 1993 was included in the programme budget for the biennium.

54. The draft resolution (E/CN.4/1992/L.66), as orally revised, was adopted without a vote.

Draft resolution on human rights and mass exoduses (E/CN.4/1992/L.67)

55. Mr. TROTTIER (Canada), introducing the draft resolution on behalf of the sponsors, which had been joined by the Russian Federation and Cyprus, said that it underscored the importance of international cooperation and assistance in worldwide efforts to address the serious problems resulting from mass exoduses of refugees and displaced persons, focused on the need for an early-warning system to avert new massive flows of such persons and highlighted the important role of the Office of the United Nations High Commissioner for Refugees, for the UNHCR Executive Committee had specifically acknowledged the direct relationship between observance of human rights, refugee movements and problems of protection. In the Chinese, English and French versions, the date in paragraph 15 should read "1991", not "1992". It was to be hoped that, as in past years, the draft resolution could be adopted by consensus.

56. The draft resolution (E/CN.4/1992/L.67) was adopted without a vote.

Draft resolution on the situation of human rights in Romania (E/CN.4/1992/L.68)

57. Mr. AMNEUS (Observer for Sweden), introducing the draft resolution on behalf of the sponsors, pointed out that the Special Rapporteur on the situation of human rights in Romania had noted continued improvement in respect for human rights in that country, although considerable shortcomings still had to be overcome, that the Government of Romania had cooperated with the Commission, the Special Rapporteur and the Centre for Human Rights in the field of advisory services, and that the Commission would continue to monitor the human rights situation in Romania. It was to be hoped that, as in previous years, the draft resolution could be adopted unanimously.

58. The draft resolution (E/CN.4/1992/L.68) was adopted without a vote.

Explanation of vote after the vote on the draft resolutions considered under agenda item 12

59. Mr. AL-DOURI (Iraq) regretted that his delegation's proposed amendment to the draft resolution contained in document E/CN.4/1992/L.46 had not been adopted. The purpose of the amendments had been to avoid making a distinction between the rich and the poor, the strong and the weak. His delegation had hoped that the Commission would try and find out the fate of Iraqis missing in Kuwait and Saudi Arabia, but apparently such persons were not fortunate enough to have a resolution adopted by the Commission to look into their case.

60. Mr. AMORIM (Brazil) said that, consistent with its long-standing position, his delegation had abstained on the draft resolution contained in document E/CN.4/1992/L.59. In the view of his delegation, once a resolution was adopted, the Government concerned must comply with the mechanism established therein.

61. Mr. HOSSAIN (Bangladesh), speaking in connection with the draft resolution contained in document E/CN.4/1992/Rev.1, said that the steady flow of Myanmar refugees crossing into Bangladesh since mid-1991 had increased alarmingly. There were currently 80,000 Myanmar refugees in Bangladesh, and 100 to 200 more were arriving every day. At the present rate, by the end of April 1992 there would be 200,000 Myanmar refugees in Bangladesh. His Government had urged the Myanmar authorities to look into the situation, but to no avail, and it had therefore called upon the United Nations and the United Nations High Commissioner for Refugees to provide shelter and relief for the refugees. It had asked the Secretary-General to use his good offices to halt the exodus and to create suitable conditions for the return home of the refugees. Bangladesh welcomed all non-governmental organizations that wished to undertake relief assistance. Foreign media teams were free to see for themselves the plight of the refugees. His Government was committed to finding a peaceful solution to the problem and was gratified that its concerns were duly reflected in the resolution that had been adopted.

62. Mr. CROOK (United States of America) said that his delegation had joined the consensus on the draft resolution contained in document E/CN.4/1992/L.68. Thanks to the efforts of the Special Rapporteur on the situation of human rights in Romania, significant progress had been made in that country in ensuring respect for human rights. The desire of the Government of Romania to

improve human rights protection would be fundamental in the future. Given the progress made, it was fitting that the Special Rapporteur's mandate should come to an end.

63. Mr. PORTALES (Chile) said that Cuba's refusal to cooperate with the Special Representative in carrying out his work was a serious matter. If all States acted in the same way, the system of human rights protection established by the United Natins would suffer greatly. It was unfortunate that in Cuba the exercise of human rights was subjected to the dictates of a specific ideology. In recent months, the Cuban Government had carried out repressive measures against dissident political groups, in particular non-governmental organizations dealing with human rights concerns. Dozens of leaders of those groups had been put in prison. It was particularly unfortunate that those who had testified to the Commission during a 1988 mission to Cuba had later been the victims of reprisals. For all those reasons, his delegation had voted in favour of the draft resolution contained in document E/CN.4/1992/L.59.

64. His delegation would have preferred a resolution drafted by the countries of Latin America, so as to prevent genuine concern about the human rights situation of the Cuban people from being overshadowed by the confrontation between the United States of America and Cuba. It was to be hoped that Cuba would respond positively to the resolution, bearing in mind the Commission's desire to ensure full respect for human rights everywhere in the world.

The meeting rose at 8.50 p.m.